

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA

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v.

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Case No. 11-80-S-PAS

JUAN FUNES

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SCHEDULING ORDER REGARDING SENTENCING REDUCTION

On April 30, 2014, the United States Sentencing Commission (“Commission”) submitted to Congress an amendment to the federal sentencing guidelines that would revise the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the Drug Quantity Tables in sections 2D 1.1 and 2D 1.11 of the *Guidelines Manual* incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782). Specifically, the amendment would reduce by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties, resulting in corresponding guideline ranges that include the mandatory minimum penalties, and make conforming changes to section 2D2.11.

On July 18, 2014, the Commission determined to give retroactive effect to Amendment 782. Retroactivity of the guideline amendment became effective November 1, 2014, at which time reductions in sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the retroactive application of the drug trafficking amendment may be considered. In order to ensure the efficient adjudication of the reconsideration of sentence pursuant this amendment, the Court orders the following:

1. Within thirty (30) days from the entry of this order, the United States Probation Office for the District of Rhode Island (“Probation”) will file with the Court a memorandum including the following information:
 - a) Defendant’s court history;
 - b) Date of original judgment, any amended judgment, and sentence imposed;
 - c) Previous offense level, criminal history category, and previous guideline range;
 - d) Previous and comparable departures and/or variances;
 - e) Recalculated guideline range;
 - f) Summary of post-conviction conduct including any public safety considerations;
 - g) Projected release date.
2. Within thirty (30) days from the entry of the memorandum, counsel for the government and the defendant shall confer and file a stipulation consenting to a reduction of sentence or, in the absence of an agreement, an objection.

It is so ordered.

By the Court:

/s/ William E. Smith,

Chief U.S. District Court Judge

Date: March 20th, 2015